



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

OCT 11 2002

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Robert Aulisio
Pride Corporate Safety Director
Pride Mobility Products Corporation
182 Susquehanna Avenue
Exeter, PA 18643-2694

Reference No. 02-0261

Dear Mr. Aulisio:

This is in response to your September 19, 2002 letter requesting clarification of the provisions in § 173.220 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically, you ask if a non-spillable battery contained in a wheelchair is subject to the requirements of the HMR.

The answer is no, battery powered wheelchairs and mobility aids equipped with a non-spillable wet electric storage battery and containing no other hazardous materials are not subject to the requirements of the HMR when transported by rail, highway or vessel. The non-spillable battery must meet the criteria in § 173.159(d) and must be marked "NONSPILLABLE" or "NONSPILLABLE BATTERY." In addition, the battery must be securely installed and fastened in an upright position, and properly protected from short circuits when contained in the equipment.

I hope this satisfies your request.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



020261

Pride

Mobility Products Corp.

182 Susquehanna Avenue
Exeter, PA 18643-2694
570-655-5574
FAX 570-655-4305
www.pridemobility.com

September 19, 2002

Mr. Edward Mazzullo
Director, Office of Hazardous Material Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Batts
\$ 173.159
\$ 173.220
Batteries
02-0261

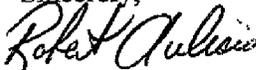
Dear Mr. Mazzullo,

The company I work for produces powered mobility equipment such as powered wheelchairs and scooters. A 12-volt non-spillable battery powers our equipment. I have reviewed the regulations concerning this equipment (49 CFR 173.220 & 173.159) and understand that we are excepted from the regulations as long as the batteries are secured and protected against arcs, sparks and short circuits.

We are looking into connecting the batteries on the units when shipping them out. Is this acceptable as long as we follow the exceptions in the above referenced regulations? My manager would like to have a letter from your office stating if this is acceptable or not.

Please send your correspondence to the address listed above and to my attention.

Sincerely,



Robert Aulisio
Pride Corporate Safety Director